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CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

September 15, 2011

TO: CYNTHIA NAKAZAKI, COMMITTEE CLERK
ZONING AND PLANNING COMMITTEE

FROM: IKAIKA ANDERSON, CHAIR
ZONING AND PLANNING COMMITTEE

SUBJECT: PROPOSED AMENDMENTS TO BILL 50 (2011) (WAIANAE
SUSTAINABLE COMMUNITIES PLAN)

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CITY CLERK
C & C OF HONOLULU
2011 SEP 20 PM 2:32

Pursuant to my memorandum dated July 22, 2011 (Council Com. No. 199), transmitted herewith for consideration by the Zoning and Planning Committee are five sets of forms proposing amendments to Bill 50 (2011) and the attached revised Waianae Sustainable Communities Plan.

Also pursuant to CC No. 199, please number this communication and hyperlink it as a related communication on the agenda when the Committee considers Bill 50 (2011).

Enclosures: Amendment Worksheet and Proposals (5 sets)

DP AMENDMENT WORKSHEET

DATE: 9/15/11

BILL 50 (2011),

PROPOSER	BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	AMENDMENT SUBJECT
ANDERSON	BILL	24-9.1 ("Definitions")	Define "Waianae SCP"
ANDERSON	BILL	24-9.3 ("Adoption of the Waianae sustainable communities plan")	DP Common Provisions
ANDERSON	BILL	24-9.5 ("Consistency")	Clerical error
ANDERSON	BILL	24-9.6 ("Review of development and other applications")	Clerical error
ANDERSON	BILL	24-9.9 ("Five year review")	Clerical error
ANDERSON	PLAN	Chapter 5 ("IMPLEMENTATION")	Clerical error
ANDERSON	PLAN	Chapter 5 ("IMPLEMENTATION")	Clerical error
ANDERSON	PLAN	Various	Miscellaneous technical, clerical, grammatical, and nonsubstantive amendments.

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
BILL	24-9.1 ("Definitions")	1-4	Define "Waianae SCP"
JUSTIFICATION FOR AMENDMENT			
The term "Waianae SCP" is used in the Bill text but is not expressly defined. Definition should be added for purposes of clarity.			
DESCRIPTION OF AMENDMENT			
Add a definition of "Waianae SCP" to read as follows: <u>""Waianae SCP" means the Waianae Sustainable Communities Plan attached hereto as Exhibit A and made a part hereof."</u>			

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
BILL	24-9.3 ("Adoption of the Waianae sustainable communities plan")	4-5	DP Common Provisions
JUSTIFICATION FOR AMENDMENT			
Subsection (c), repealing Ordinance 00-14, is redundant because that ordinance is repealed by Section 2 of the Bill. Current subsection (c), dealing with the relationship of the Waianae SCP to the Development Plan Common Provisions, should be retained.			
DESCRIPTION OF AMENDMENT			
Amend proposed Section 24-9.3(c) to read as follows:			
<p>"(c) [Ordinance 00-14, as amended by Ordinance 00-16, entitled, "A Bill for an Ordinance to Adopt the Sustainable Communities Plan for Waianae of the City and County of Honolulu," is hereby repealed in its entirety.] <u>Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the Waianae SCP area. This article and the Waianae SCP, as adopted by reference by this ordinance, supersede any and all common provisions previously applicable to the Waianae area.</u>"</p>			

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
BILL	24-9.5 ("Consistency")	5	Clerical error
JUSTIFICATION FOR AMENDMENT			
Pursuant to DPP request, correct erroneous replacement of word "be" with "become" in subsection (a).			
DESCRIPTION OF AMENDMENT			
Amend proposed Section 24-9.5(a) to read as follows: "(a) The performance of prescribed powers, duties and functions by all city agencies shall conform to and implement the policies and provisions of this ordinance. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances shall [become] <u>be</u> consistent with the Waianae SCP, as adopted."			

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
BILL	24-9.6 ("Review of development and other applications")	6	Clerical error
JUSTIFICATION FOR AMENDMENT			
Pursuant to DPP request, correct erroneous replacement of word "shall" with "should."			
DESCRIPTION OF AMENDMENT			
<p>Amend the first paragraph of proposed Section 24-9.6 to read as follows:</p> <p>"The review of applications for zone changes and other development approvals will be guided by the vision of the Waianae SCP. Decisions on all proposed developments [should] <u>shall</u> be based on the extent to which the project enabled by the development approval supports the policies and guidelines of the Waianae SCP."</p>			

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
BILL	24-9.9 ("Five year review")	7	Clerical error
JUSTIFICATION FOR AMENDMENT			
Correct erroneous ROH section citation in subsection (a).			
DESCRIPTION OF AMENDMENT			
Amend proposed Section 24-9.9(a) to read as follows: "(a) The department of planning and permitting shall conduct a comprehensive review of the Waianae SCP, adopted by reference in Section [24-3.3(b),] <u>24-9.3(b)</u> , every five years subsequent to the plan's adoption and shall report its findings and recommended revisions to the council."			

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAICA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Chapter 5 ("IMPLEMENTATION")	5-11	Clerical error
JUSTIFICATION FOR AMENDMENT			
Pursuant to DPP request, correct inadvertent deletion of current Section 5.5 ("Functional Planning").			
DESCRIPTION OF AMENDMENT			
<p>Amend Chapter 5 to add a new Section 5.6 to read as follows, and renumber subsequent sections accordingly.</p> <p><u>“5.6 FUNCTIONAL PLANNING</u></p> <p><u>Functional planning is the process by which various City agencies determine needs, assign priorities, phase projects, and propose project financing to further implement the vision articulated in the Sustainable Communities Plans. This process may take a variety of forms, depending upon the missions of the various agencies involved, as well as upon requirements imposed from outside the City structure, such as federal requirements for wastewater management planning.</u></p> <p><u>Through the functional planning process, City agencies responsible for developing and maintaining infrastructure and public facilities or for provision of City services review existing functional planning documents and programs. As a result of these reviews, the agencies then update, if required, existing plans or prepare new long-range functional planning documents that address facilities and service system needs. Updates of functional planning documents are also conducted to assure that agency plans will serve to further implement the Sustainable Communities Plans as well as to provide adequate opportunity for coordination of plans and programs among the various agencies.</u></p> <p><u>The functional planning process should have opportunities for early and continuing public involvement, timely public notice, public access to information used in the evaluation of priorities, and opportunities to suggest alternatives and to express preferences. The functional planning process provides the technical background for the Capital Improvement Program and public policy proposals that are subject to review and approval by the City Council.”</u></p>			

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DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAICA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Chapter 5 ("IMPLEMENTATION")	5-12	Clerical error
JUSTIFICATION FOR AMENDMENT			
Pursuant to DPP request, correct inadvertent deletion of current Section 5.6.2 ("Functional Planning").			
DESCRIPTION OF AMENDMENT			
Amend Section 5.6 to read in full as follows, and renumber subsequent sections accordingly.			
<u>“5.7 REVIEW OF ZONING AND OTHER DEVELOPMENT APPLICATIONS</u>			
<u>5.7.1 Wai‘anae District Zoning Designations</u>			
<p><u>A primary way in which the Wai‘anae Sustainable Communities Plan will guide land use will be through the review of applications for zone changes and other development proposals. Approval for all development projects should be based on the extent to which the project supports the Policies and Guidelines of the Wai‘anae Sustainable Communities Plan.</u></p> <p><u>Projects that do not involve significant zone changes will be reviewed by City Planners for consistency with the Policies and Guidelines of the Wai‘anae Sustainable Communities Plan during the Zone Change or permit application process. Projects involving significant zone changes will require an environmental review in accordance with HRS Chapter 343.</u></p>			
<u>5.7.2 Adequate Facilities Requirement</u>			
<p><u>All projects requesting zone changes shall be reviewed to determine if adequate public facilities and infrastructure will be available to meet the needs created as a result of the development. Level of Service Guidelines to define adequate public facilities and infrastructure requirements will be established as part of the City’s Capital Improvement Program.</u></p> <p><u>In order to guide development and growth in an orderly manner as required by the City’s General Plan, zoning and other development approvals for new developments should be approved only if the responsible City and State agencies indicate that adequate public facilities and utilities will be available at the time of occupancy or if conditions the functional agency indicates are necessary</u></p>			

DESCRIPTION OF AMENDMENT

to assure adequacy are otherwise sufficiently addressed.

Staff planners, as part of their report to the Department of Planning and Permitting on the consistency of the project with the **Wai'anae Sustainable Communities Plan**, will review and summarize any individual agency's findings regarding public facilities and utilities adequacy which are raised as part of the EA/EIS process. The Department of Planning and Permitting will address these findings and any additional agency comments submitted as part of the agency review of the zone change application and recommend conditions that should be included in the Unilateral Agreement or Development Agreement to insure adequacy of facilities."

DP AMENDMENT PROPOSAL

DATE: 9/15/11

BILL 50 (2011),

COUNCILMEMBER IKAIKA ANDERSON

BILL/PLAN	NO. AND TITLE OF SECTION OR EXHIBIT	PAGE	AMENDMENT SUBJECT
PLAN	Various	Various	Technical amendments
JUSTIFICATION FOR AMENDMENT			
Correct miscellaneous technical, clerical, and grammatical errors.			
DESCRIPTION OF AMENDMENT			
Make miscellaneous technical, clerical, grammatical, and nonsubstantive amendments.			